

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ELEAZAR ESPINOZA,)
vs.)
Plaintiff,)) Case No. 03-cv-0552-MJR
UNITED STATES OF AMERICA,))
Defendant.))

MEMORANDUM and ORDER

REAGAN, District Judge:

On February 1, 2001, in United States v. Edwards, No. 00-30212 (S.D. Ill. filed Mar. 26, 2004), Eleazor Espinoza pled guilty to one count of possession with intent to distribute crack cocaine. Subsequently, this Court sentenced Espinoza to a 240-month term of imprisonment.

On August 28, 2003, Plaintiff Espinoza filed a motion to vacate, set aside or correct sentence pursuant to **28 U.S.C. § 2255**. The Government filed its response on June 23, 2005. This Court received Espinoza's reply on September 2, 2005.

The Court finds that an evidentiary hearing is warranted. The Court **SETS** the hearing for 10 a.m. on November 18, 2005. The Court further finds that Espinoza qualifies to have counsel appointed under **18 U.S.C. § 3006A(a)(2)(B)**. See Rule 8(c) of RULES GOVERNING SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS. The Court appoints Daniel L. Ringwald (4173 Crescent Drive, Suite A, Southport Office Center, St. Louis, Missouri 63129)(Phone: (314) 815-1600) to represent Plaintiff/movant Espinoza herein.

The Court has set aside two hours for the evidentiary hearing. Counsel may adduce evidence by way of live testimony or affidavit and will be permitted to present argument at the close of the hearing.

Counsel for the government is to ensure the presence of Eleazar Espinoza at the evidentiary hearing on November 18, 2005 at 10:00 a.m.

IT IS SO ORDERED.

DATED this 8th day of September, 2005.

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge